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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 70th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 12 March 1993, at 8 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

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GE.93-12280 (E)

The meeting was called to order at 8 p.m.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FORTY-NINTH SESSION OF THE COMMISSION (agenda item 28) (continued) (E/CN.4/1993/L.10/Add.2, 3, 10-14 and 19-21, E/CN.4/1993/L.11 and Add.1-10)

1. The CHAIRMAN invited the Commission to continue its consideration of the draft report.

Chapter XXVIII (E/CN.4/1993/L.10/Add.2)

2. Chapter XXVIII was adopted.

Chapter III (E/CN.4/1993/L.10/Add.3)

3. Chapter III was adopted.

Chapter X (E/CN.4/1993/L.10/Add.10)

4. Chapter X was adopted.

Chapter XI (E/CN.4/1993/L.10/Add.11)

5. Chapter XI was adopted.

Chapter XII (E/CN.4/1993/L.10/Add.12)

6. Chapter XII was adopted.

Chapter XIII (E/CN.4/1993/L.10/Add.13)

7. Chapter XIII was adopted.

Chapter XIV (E/CN.4/1993/L.10/Add.14)

8. Mr. ALFONSO MARTINEZ (Cuba), referring to paragraph 10 of the document, said that the representative of the United States of America had not requested a roll-call vote, but merely a vote. It was the delegation of Cuba that had asked for the roll-call vote.

9. Mr. DESSER (Austria) said that, in paragraph 13, Austria should be included in the list of sponsors.

10. The CHAIRMAN said that the Secretariat had taken due note of those comments.

11. Chapter XIV was adopted.

Chapter XIX (E/CN.4/1993/L.10/Add.19)

12. Chapter XIX was adopted.

Chapter XX (E/CN.4/1993/L.10/Add.20)

13. Chapter XX was adopted.

Chapter XXI (E/CN.4/1993/L.10/Add.21)

14. Chapter XXI was adopted.

Chapter II (E/CN.4/1993/L.11 and Add.1-10)

15. Mr. HELLER (Mexico) said that, in draft resolution 1993/93 on human rights in El Salvador (E/CN.4/1993/L.11/Add.8), the English text was not consistent with the Spanish original; the word "consolidar" ("consolidate") was missing from the English version of operative paragraph 10.

16. The CHAIRMAN said that the Secretariat would make the necessary change.

17. Chapter II was adopted.

18. Mr. PACE (Secretary of the Commission) said that the Commission had adopted a number of draft resolutions that had financial implications for the regular budget of the Centre for Human Rights in 1993 and the following years. In accordance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, statements on the administrative and programme budget implications of the proposals contained in the resolutions had to be prepared for consideration by the Economic and Social Council.

19. Those statements had been submitted in draft form to the Office of Programme Planning, Budget and Finance at United Nations Headquarters for review and clearance. At the same time, when adopting the draft resolutions, members of the Commission had been informed orally of the estimated costs involved in the implementation of the activities envisaged under the resolutions.

20. He had just been notified by the Office of Programme Planning, Budget and Finance that, due to time constraints, the review of all statements on administrative and programme budget implications could not be finalized before the conclusion of the Commission's forty-ninth session. Accordingly, note should be taken by the members of the Commission that the costs reported orally at the time of adoption of the resolutions should be considered as preliminary indicative estimates of the resources needed by the Centre for Human Rights to undertake the activities requested in such resolutions.

21. Once finalized, the statements on administrative and programme budget implications would be submitted to the Economic and Social Council in the context of its review of the report on the forty-ninth session of the Commission. Subsequently, subject to the Economic and Social Council's adoption of the relevant draft resolutions, the Secretary-General would request the authorization of the Advisory Committee on Administrative and Budgetary Questions to commit the additional resources required for 1993, based on the cost estimates reflected in the statements of the administrative and programme budget implications.

22. Mr. MWENDA (Zambia) said that in order to expedite the work of the Commission, his delegation would send the Chairman the text of its comments on the statement by the new Director-General, which the Chairman could then communicate to him.

23. Mr. VAN CRAEN (Observer for Belgium) said that his delegation should be included in the list of sponsors in paragraph 14 of draft resolution E/CN.4/1993/45/Rev.1 (E/CN.4/1993/L.10/Add.11).

24. Mr. GOONETILLEKE (Sri Lanka) said that his delegation would like to make a correction to paragraph 60 of E/CN.4/1993/L.10/Add.3 to bring it into line with the final paragraph of that document, in which the Chairman acknowledged that he had asked for the statement by the delegation of Sri Lanka to be included in the summary records of the Commission.

25. The statement by the delegation of Sri Lanka in pages 8-9 of that document should therefore be deleted from the report, and paragraph 60 should be reformulated to read as follows: "At the 68th meeting, on 11 March 1993, the representative of Sri Lanka made a statement concerning the situation of human rights in Sri Lanka. This statement was acknowledged by the Chairman as follows", after which the statement by the Chairman would begin.

26. Ms. PARK (Canada) said that it was her delegation's understanding that the statement concerning Sri Lanka was to be included under agenda item 12 and not agenda item 3.

27. Mr. GOONETILLEKE (Sri Lanka) said that, as the statement of his delegation on 11 March had not been made under any particular agenda item, it would be most appropriately reflected under "other matters".

28. Mr. MALHOTRA (India) said that it was the impression of his delegation, also, that the statement by the representative of Sri Lanka and the Chairman's response had not been made under any particular item and would therefore best be placed under "other matters".

29. Ms. PARK said that it should be possible to resolve the problem in consultation with the Secretary.

30. The draft report of the Commission, as a whole, was adopted.

31. The CHAIRMAN invited the delegations and observers to make the necessary approaches to their delegations in New York and elsewhere to ensure that the competent bodies of the Secretariat and of the General Assembly, and the Fifth Committee in particular, adopted the requisite financial measures to enable the resolutions adopted by the Commission at its forty-ninth session to be effectively implemented.

CONCLUDING STATEMENTS

32. Mr. GARRETON (Chile), speaking on behalf of the Latin American and Caribbean Group, said that the current session of the Commission had again afforded an opportunity to demonstrate that human rights and fundamental

freedoms were a basic component of the global agenda and a factor of political and social legitimacy. At its forty-ninth session, the Commission had made good progress in a number of thematic areas.

33. In particular, it had established a working group to consider the right to development and to formulate concrete proposals in the light of the principle of the indivisibility of economic, social, cultural, civil and political rights; the Commission's focus on such concerns as extreme poverty, the external debt and structural adjustment, migrant workers and their families, forced expulsions and the environment reflected the importance it attached to the right to development, which should not constitute a source of confrontation, but offer a new dimension for international understanding and cooperation.

34. Addressing new areas of concern, the Commission had appointed a special rapporteur to examine contemporary forms of racism, racial discrimination and xenophobia, and it had adopted a number of resolutions on such new thematic areas as bioethics, the regulation of computerized personal data files, AIDS and the movement and dumping of toxic and dangerous products and wastes, thereby demonstrating that the Commission was addressing new problems relating to human rights.

35. As for the human rights situations in various countries, there was growing acceptance of the idea that all geographic regions were of equal concern and that observance for human rights should not be selective, discriminatory or politicized.

36. The International Year of the World's Indigenous People had provided an opportunity to renew recognition of the rights of such populations and to ensure their sustainable development while preserving their cultural peculiarities.

37. The procedure for calling special sessions of the Commission must be defined more precisely to ensure that such sessions were not misused.

38. Its forty-ninth session had demonstrated the need for the Commission to streamline its agenda and to bring it more closely into line with the political and thematic problems and priorities of the day. The World Conference's evaluation and intersessional consultations should make it possible to redirect the Commission's agenda in a functional and balanced fashion.

39. Ms. PARK (Canada), speaking on behalf of the Group of Western European and other countries, said that the forty-ninth session of the Commission had broken new ground. The atmosphere had been more than usually charged, in part because of the forthcoming World Conference on Human Rights, and in part because the world was approaching a juncture in the way the international community dealt with human rights issues. The sheer volume of statements from Governments and non-governmental organizations and of reports and resolutions had reached an all-time high, and the schedule had been longer and more arduous than ever before.

40. The deliberations had given rise to a renewed interest and concern about how to improve the effective promotion and protection of human rights. The Commission had considered how it could make its work more relevant to the changing world environment, and it had examined ways of using its time more efficiently. There had been general recognition of the vital interrelationship between human rights, democracy and development. Perhaps most important of all, the Commission had begun to reach out across regional lines to promote more constructive dialogue among its members.

41. Mrs. SAMOYA (Burundi), speaking on behalf of the African Group, said that it had made every effort to ensure that its concerns were understood and accepted; the members of the Commission had reached a consensus on such important problems as the continuing violations of human rights in South Africa, the question of mercenaries and the problem of toxic and nuclear wastes.

42. The Commission had also to address such new and complicated issues as ethnic conflicts, displaced persons, extremism and fanaticism and the extreme poverty of the vast majority of the world's population, but the effective promotion and protection of human rights continued to make steady progress against the forces of oppression and servitude, and she was convinced that the spirit of the forty-ninth session would provide fresh impetus to the World Conference on Human Rights.

43. Mr. MOTTAGHI-NEJAD (Islamic Republic of Iran), speaking on behalf of the Group of Asian countries, congratulated the Chairman on the efficient manner in which he had conducted the Commission's affairs at its forty-ninth session. The session had been held at the time of rising public expectations about the operation of mechanisms for the protection and promotion of human rights, in their economic, social and cultural as well as civil and political dimensions, as a responsibility of both Governments and international organizations. In that regard, the forthcoming World Conference on Human Rights provided an opportunity for dialogue that should not be missed. It could at least start a process leading to better understanding among peoples with different cultures, beliefs and traditions or varying economic and social backgrounds.

44. During its session, the Commission had been able to reach agreement on many crucial issues of its agenda and the vast majority of its decisions had, in fact, been taken by consensus. The Asian countries attached particular importance to the issue of cooperation in the field of human rights and to observance of the principles of non-selectivity, impartiality and objectivity, as provided for in Commission resolution 1993/59. To ensure an unbiased and fair approach to human rights issues, accurate, impartial and objective information on the political, economic and social situation and events in all countries was indispensable.

45. Such an approach contributed to the effective promotion, protection and realization of human rights and fundamental freedoms, as well as to strengthening international cooperation, which should be based on a profound understanding of economic, social and cultural realities and the complexity of different societies. It was therefore an absolute prerequisite for the Commission to maintain and enhance the confidence of Member States in its work.

46. Resolution 1993/94 was an important resolution aimed at ensuring the timely circulation of reports in accordance with the guidelines established by the General Assembly and at making appointments of special representatives, special rapporteurs and independent experts with due regard for geographical representation. Lastly, resolution 1993/22 was particularly useful as it provided, for the first time, for the establishment of a monitoring mechanism on the implementation of the Declaration on the Right to Development.

47. Mr. DEMBINSKI (Poland), speaking on behalf of the group of Eastern European countries, said that the forty-ninth session had been a very fruitful one since the representatives of States and of non-governmental organizations had shown that they all shared a common objective, namely the promotion and protection of human rights. That had made it possible to build bridges between different priorities and problems. The session had also shown the distance that the international community had travelled since the adoption of the Charter of the United Nations - including the innovative provisions in Article 2, paragraph 7 - and of the Universal Declaration of Human Rights. The human rights situations in various countries were being discussed freely and openly.

48. The session had, of course, experienced some difficulties and a number of long meetings had been necessary. In particular, it was regrettable that measures had not been taken to enable the Commission to rationalize its work still further. Nevertheless, it was important to emphasize the agreeable atmosphere in which the session had taken place, partly as a result of the fact that the cold war was over but also due to the effective guidance and perseverance of the Chairman and the valuable assistance of the Secretariat.

49. The CHAIRMAN, having thanked the group coordinators for their statements, said that each year in pursuing the noble mission entrusted to it, the Commission had strengthened its credibility with Member States and with international public opinion. Its role had grown, diversified and been further adapted to the diversity and complexity of the problems associated with the implementation and respect of human rights throughout the world.

50. At its forty-ninth session, it had been able to enjoy the dividends of an international political context improved by the disappearance of East-West tensions and where human rights, formerly a subsidiary question, had acquired real pre-eminence and placed the Commission at the centre of the expectations of a rapidly changing world. As the six weeks of long and arduous meetings drew to a close, it was time to sum up what the Commission had done to increase its credibility and strengthen its vigilance in the face of growing violations of human rights and to meet the expectations and hopes placed in it.

51. The Commission had welcomed 24 ministers and eminent political personalities and had received Mrs. Rigoberta Menchú, the Nobel Peace laureate, who had come to celebrate with it the International Year of the World's Indigenous People. The visit of six Nobel Peace Prizewinners, led by President Arias of Costa Rica, had also been one of the highlights of the session. No less important had been the participation in its work of several delegations of indigenous populations, who had made their concerns and expectations known to the international community and public opinion. On

International Women's Day, moreover, he had received delegations of women, some coming on foot from Bern, who had voiced their indignation about the rape of women in the former Yugoslavia and violence in general and had expressed their solidarity with the victims of human rights violations. All those visits confirmed the credibility of the Commission on Human Rights and served, in addition, to remind it of the heavy responsibility it bore.

52. Also to the Commission's credit was the fact that it had initiated important qualitative changes through the many resolutions it had adopted at its forty-ninth session. First of all, it had shown its will to take action and to increase its presence in the field. Particular mention should be made of the resolution to incorporate women's rights in the appropriate mechanisms of the United Nations and of the appointment of new special rapporteurs on burning issues requiring preventive action such as human rights violations in the occupied Arab territories, including Palestine, supervision of the transition towards a non-racist society in South Africa, contemporary forms of racism, racial discrimination and xenophobia and the right to freedom of opinion and expression.

53. The speakers on the question of the human rights situation in the former Yugoslavia had been unanimous in stigmatizing the massive violations of human rights perpetrated there and had in particular denounced the systematic rape of women. The Commission could not but rejoice at the decision taken by the Security Council on 22 February 1993 to establish an international tribunal to try persons responsible for violations of humanitarian law in the former Yugoslavia.

54. The second qualitative change introduced by the Commission was to accord considerable importance in its resolutions to economic, social and cultural matters and the question of development, responding to the concerns repeatedly expressed by representatives of the developing countries and proceeding from the principle of the indivisibility of civil, political, economic, social and cultural rights. The right to education, food, health, decent housing and a healthy environment were the foundations of the right to sustainable and equitable development and an integral part of the Commission's concerns.

55. The deliberations showed that no one right had primacy over another and that the Commission could not neglect issues such as extreme poverty, indebtedness or the right to development. It was in that spirit that the Commission had decided to set up a group of experts to identify obstacles to the effective implementation of the Declaration on the Right to Development and to report to it annually on that question with a view to orienting its decisions and those of the international community towards development and the full realization of economic, social and cultural rights. Those rights were clearly linked to the right to freedom of expression, physical integrity and the right to take part in public life within the framework of constitutional institutions, whose proper functioning was the best safeguard against the formidable temptations of extremism and fanaticism.

56. Those were major achievements, but there were also some areas of concern. First of all, it was regrettable that short-term political considerations should override considerations relating principally to the promotion and protection of human rights. Instead of the desired frank, objective and fair

dialogue about universal and common future-oriented concerns, the Commission too often heard one monologue after another on issues of passing importance. Such aberrations were to be avoided, since what brought the members of the Commission together was the common desire to promote human rights notwithstanding the diversity of political systems.

57. While the members of the Commission certainly represented States and might take divergent positions, they had a duty not to lose sight of the common objective, namely full and universal respect for human rights. The world could not be divided artificially into proponents and opponents of human rights without destroying the efforts to advance the cause of those rights. In his view, the Commission's role went beyond mere condemnations and consisted rather in establishing a dialogue with Governments concerned and encouraging them to cooperate. It was thus essential for the Commission to continue to ponder the best way of establishing relations of confidence and cooperation.

58. As everyone was aware the meetings at the forty-ninth session had frequently had to be extended to cope with an extremely heavy agenda. The number of speakers had increased considerably. While welcoming the growing interest in the Commission's activities, he wondered whether it might not be appropriate to consider rationalizing its work, by deciding either to extend the Commission's session or to restrict its agenda.

59. Consideration might, for example, be given to calling for an annual report by the Centre for Human Rights on the situation of human rights throughout the world, containing useful information - not only on human rights violations but also on progress achieved throughout the world - gathered from non-governmental organizations, Governments, special rapporteurs and other sources. Such a report, providing a complete and universal review of the situation of human rights, might help to reduce the descriptive element of the oral statements made in the Commission, which took up the greater part of its proceedings, and might allow more time for general and in-depth discussions of one or two topics to be defined at each session for the following session.

60. Those discussions would both permit more detailed analysis of conventional issues, including torture, enforced disappearances, arbitrary detention, displaced persons and the realization of economic, social and cultural rights and also make it possible to address new topics, such as the relationship between democracy, human rights and the right to development, and to elucidate some of the critical problems in a number of African countries where anarchy, domestic strife and national disasters were at the origin of massive human rights violations.

61. In that regard, it might be asked what measures the international community could recommend to enable the African continent to carry out its democratic transition and development successfully and make its contribution to international peace and security. If was unfortunate, in his view, that Africa's problems were addressed by the Commission only in the context of accusing political regimes of human rights violations. While some African countries certainly came under the particular scrutiny of the Commission, it was also true that Africa had the largest number of least-developed countries and the largest number of displaced, refugee or distressed populations.

62. It thus needed greater attention and greater solidarity on the part of the international community to ensure its stable transition towards democracy. Accordingly, he hoped that by the next session delegations, non-governmental organizations and the United Nations bodies concerned would produce a wide range of proposals enabling that question and others of no less importance to be examined in depth through better rationalization of the Commission's work.

63. The Commission had so far focused its attention on the relationship between the rulers and the ruled. The pressure it brought to bear on Governments to ensure greater respect for human rights had yielded and would certainly continue to yield some results. However, in his view, those results were bound to remain limited for at least two reasons: first, profound social and political changes were sustainable only if they came from within and responded to pressing and organized social demand; and, secondly, human rights violations stemmed not only from political systems that were totalitarian or showed little respect for the human person, but derived also from particular economic and social contexts and were very often the result of inadequate education that did not give due emphasis to respect for the human person.

64. For those reasons, the strategy for the promotion of human rights needed to be global and long-term. The aim would continue to be that of changing national policies so as to promote freedoms and human dignity, but the Commission must also commit itself to contributing to changing the international environment in a way that would favour the development of men and peoples, as well as to changing behaviour and attitudes and bringing up generations of men and women imbued with respect for human dignity.

65. Accordingly, the Commission must keep in mind that respect for and promotion of human rights at the universal level was a long-term challenge and that the essential purpose of its action was not only to modify the present but also and especially to prepare for the future.

CLOSURE OF THE SESSION

66. After the customary exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 9.05 p.m.